

STATE OF SOUTH CAROLINA

(Caption of Case)

Happy Rabbit, LP on behalf of Windridge
Townhomes,
Complainant,

v.

Alpine Utilities, Inc.,
Defendant.

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2008 - 360 - S

(Please type or print)

Submitted by: Willoughby & Hoefer, PA

SC Bar Number: 68269

Address: Post Office Box 8416

Telephone: 803-252-3300

Columbia, SC 29202

Fax: 803-771-2410

Other:

Email: bmustian@willoughbyhoefer.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Print Form

Reset Form

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL
ELIZABETH ZECK*
BENJAMIN P. MUSTIAN
MICHAEL R. BURCHSTEAD
ANDREW J. MACLEOD

AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

TRACEY C. GREEN
ALAN WILSON
SPECIAL COUNSEL

*ALSO ADMITTED IN TX

August 19, 2009

VIA HAND-DELIVERY

The Honorable Charles L.A. Terreni
Chief Clerk/Administrator

Public Service Commission of South Carolina

101 Executive Center Drive
Columbia, South Carolina 29210

RECEIVED
PUBLIC SERVICE
COMMISSION
AUG 20 2009

RE: Happy Rabbit, LP on behalf of Windridge Townhomes v. Alpine Utilities, Inc.;
Docket No. 2008-360-S

Dear Mr. Terreni:

I am writing on behalf of Alpine Utilities, Inc. ("Alpine") in response to Happy Rabbit, LP's ("Happy Rabbit") Petition for Reconsideration filed with the Public Service Commission of South Carolina ("Commission") on August 11, 2009. Happy Rabbit has not cited any new authority or presented any novel argument which had not previously been asserted to the Commission at the time it issued its ruling in this matter.¹ Thus, Happy Rabbit has failed to state any grounds for reconsideration. Therefore, Alpine incorporates herein by reference its previous filings in this regard and would respectfully request that the Commission deny Happy Rabbit's Petition for Reconsideration.

Additionally, because Happy Rabbit has continued to withhold payment for sewer services rendered (as of this filing, Happy Rabbit has an unpaid balance due to Alpine of \$10,360.02) and Alpine is required under R. 103-538(B) to continue providing service while this matter is still pending, Alpine respectfully requests that the Commission consider Happy Rabbit's petition on an expedited basis during its next meeting or as soon as practicable.

¹ See, e.g., Correspondence from Counsel for Happy Rabbit, dated April 17, 2009; Complainant's Reply to Response to Motion to Amend Complaint, dated April 17, 2009; Complainant's Further Response in Opposition to Motion for Summary Judgment, dated April 9, 2009; Correspondence from Counsel for Happy Rabbit, dated April 9, 2009; Complainant's Reply to Respondent's Response to Complainant's Motion to Conform to Proof, dated April 6, 2009; Complainant's Return to Motion for Summary Judgment, dated April 3, 2009; Correspondence from Counsel for Happy Rabbit, dated April 2, 2009.

(Continued . . .)

The Honorable Charles L.A. Terreni

August 19, 2009

Page 2

Thank you for your consideration of this matter. If you have any questions, or if you need any additional information, please do not hesitate to contact me.

Sincerely,

WILLOUGHBY & HOEFER, P.A.

A handwritten signature in black ink, appearing to read 'Benjamin P. Mustian', with a stylized, cursive script.

Benjamin P. Mustian

BPM/cf

Enclosures

cc: Nanette S. Edwards, Esquire
Richard L. Whitt, Esquire

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-360-S**

Happy Rabbit, LP on behalf of Windridge,)
Townhomes,)
Complainant)
v.)
Alpine Utilities, Inc.,)
Defendant.)
_____)

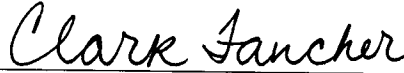
CERTIFICATE OF SERVICE

RECEIVED
JUL 21 2009
SOUTH CAROLINA
PUBLIC SERVICE COMMISSION

This is to certify that I have caused to be served this day one (1) copy of **Alpine Utilities Inc.'s August 19, 2009 Letter** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Richard L. Whitt, Esquire
Austin & Rogers, P.A.
Post Office Box 11716
Columbia, SC 29211

Nanette S. Edwards, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211



Clark Fancher

Columbia, South Carolina
This 19th day of August, 2009.